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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,138

Applicant(s)

WANG, DONGYAN

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The Applicant's arguments regarding Drawings are persuasive. And the objections are withdrawn.
2. The Applicant's arguments regarding 35 USC § 101 are not persuasive. As the Appeal No. 2003-2088 case cited mentions the use of "technological art" test to determine if eligible subject matter under 35 USC § 101. The Examiner makes no assertion of the "technological art" test, but merely that the claimed invention is nonstatutory subject matter see MPEP § 2106 IV.B.1. And further, involve simply manipulate abstract ideas, e.g., a bid (*Schrader*, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (*Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application.
3. The Applicant's arguments regarding Claim 1,8,15,24,33,39,45 and 54 are not persuasive. As *Agestam et al.*(U.S. Patent 5, 512, 885) discloses the creating of desired group by selecting one or more particular groups from a set of public and private groups and indicating for each group whether group is included or excluded from desired group see Fig. 2 item CUG 1(where CUG 4 represent private group, CUG 9 represents public group,(+,-) indicating whether group is included or excluded).

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Amendment***

***Claim Rejections - 35 USC § 101***

5. Claim 1-55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. See MPEP 2106 IV(A).

***Claim Rejections - 35 USC § 102***

6. Claim 1-55 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5, 512, 885 to Agestam et al.(hereinafter Agestam).
7. Regarding Claim 1, Agestam discloses the defining a private groups see Fig. 1 item CUG 10, CUG 5; defining a public group which is defined by reference to one private group CUG 9 (items 91, 92, 41, 43, 101, 102 can communicate with each other even if they don't belong to their respective groups) with respect to CUG 5 being private group; selecting a particular group from private and public and indicating whether a particular group is included or excluded from desired group and associating a selected group to function as a desired group see Fig. 2 – the dashed lines indicating a formed group that function and communicate with ones with opposite polarities(+,-).

8. Regarding Claim 2, Agestam discloses the dynamic group see Fig. 2 the dashed group formed could represents a dynamic group.
9. Regarding Claim 3, Agestam discloses the exception group see Fig. 2 item CUG 5, CUG 10, CUG 4.
10. Regarding Claim 4, Agestam discloses the public group composed of a private group and a public group see Fig. 1 item CUG 10, 91-92, 41 & 43 and excludes others items 42, 44, 51-52.
11. Regarding Claim 5, Agestam discloses the desired group composed of plurality of users see Fig. 2 item 92, 43, 44, 52, 11.
12. Regarding Claim 6, Agestam discloses the first owners being the same as second owners see Fig. 2 item 43, 52 & Fig. 3 .
13. Regarding Claim 7, Agestam discloses associating one or more privileges with a desired group see Col 2 Ln 50-64
14. Regarding Claim 8-14 contains similar claim language as Claim 1-7 and are rejected along the same lines.

15. Regarding Claim 15, Agestam discloses the defining a private groups see Fig. 1 item CUG 10, CUG 5; defining a public group item CUG 9(items 91, 92, 41, 43, 101, 102 can communicate with each other even if they don't belong to their respective groups); selecting a particular group from private and public and indicating whether a particular group is additive component or subtractive component and associating a selected group to function as a desired group see Fig. 2 – the dashed lines indicating a formed group that function and communicate with ones with opposite polarities(+,-).
16. Regarding Claim 16, Agestam discloses the a public group(see Fig. 1 item CUG 9, CUG 10, 41, 43) and a private group(items CUG 10, CUG 5, CUG 4).
17. Regarding Claim 17, Agestam discloses the private group being configured for use by first owners see Fig. 1 item 101-102 and closed off to others (see Fig. 1 item 91-92).
18. Regarding Claim 18, Agestam discloses the public group being configured for use by owners and nonowners see Fig. 1 item CUG 10, CUG 9, 41, 43.
19. Regarding Claim 19, Agestam discloses the dynamic group see Fig. 2 the dashed group formed could represents a dynamic group.

20. Regarding Claim 20, Agestam discloses the exception group see Fig. 2 item CUG 5, CUG 10, CUG 4.

21. Regarding Claim 21, Agestam discloses the public group composed of a private group and a public group see Fig. 1 item CUG 10, 91-92, 41 & 43 and excludes others items 42, 44, 51-52.

22. Regarding Claim 22, Agestam discloses the desired group composed of plurality of users see Fig. 2 item 92, 43, 44, 52, 11.

23. Regarding Claim 23, Agestam discloses associating one or more privileges with a desired group see Col 2 Ln 50-64.

24. Regarding Claim 24-32 contains similar claim language as Claim 15-23 and are rejected along the same lines.

25. Regarding Claim 33, Agestam discloses the defining a private groups see Fig. 1 item CUG 10, CUG 5; defining a public group item CUG 9(items 91, 92, 41, 43, 101, 102 can communicate with each other even if they don't belong to their respective groups); selecting a particular group from private and public and indicating whether a particular group is additive or subtractive and associating a

selected group to function as a desired group see Fig. 2 – the dashed lines indicating a formed group that function and communicate with ones with opposite polarities(+,-); generating a public group see Fig. 3 first block.

26. Regarding Claim 34, Agestam discloses the dynamic group see Fig. 2 the dashed group formed could represents a dynamic group.

27. Regarding Claim 35, Agestam discloses the exception group see Fig. 2 item CUG 5, CUG 10, CUG 4.

28. Regarding Claim 36, Agestam discloses the desired group composed of plurality of users see Fig. 2 item 92, 43, 44, 52, 11.

29. Regarding Claim 37, Agestam discloses the public group composed of a private group and a public group see Fig. 1 item CUG 10, 91-92, 41 & 43 and excludes others items 42, 44, 51-52.

30. Regarding Claim 38, Agestam discloses the public group being configured for use by owners and nonowners see Fig. 1 item CUG 10, CUG 9, 41, 43.

31. Regarding Claim 39-44 contains similar claim language as Claim 33-38 and are rejected along the same lines.



32. Regarding Claim 45, Agestam discloses the defining a private groups see Fig. 1 item CUG 10, CUG 5; defining a public group item CUG 9(items 91, 92, 41, 43, 101, 102 can communicate with each other even if they don't belong to their respective groups); selecting a particular group from private and public and indicating whether a particular group is additive or subtractive and associating a selected group to function as a desired group see Fig. 2 – the dashed lines indicating a formed group that function and communicate with ones with opposite polarities(+,-); generating a public group see Fig. 3 first block.
33. Regarding Claim 46, Agestam is suggestive of the arrangement in hierarchies see Fig. 1 item CUG 10 item 101 above item 102 & CUG 5 item 51 above 52.
34. Regarding Claim 47, Agestam discloses the dynamic group see Fig. 2 the dashed group formed could represents a dynamic group.
35. Regarding Claim 48, Agestam discloses the exception group see Fig. 2 item CUG 5, CUG 10, CUG 4.
36. Regarding Claim 49, Agestam discloses the public group composed of a private group and a public group see Fig. 1 item CUG 10, 91-92, 41 & 43 and excludes others items 42, 44, 51-52.

37. Regarding Claim 50, Agestam discloses the public group configure to use by more than one second owner and non-owners see Fig. 1 item CUG 9, CUG 10, 41,43.
38. Regarding Claim 51, Agestam discloses the desired group being formed by at least one private group see Fig. 2 item CUG 4.
39. Regarding Claim 52, Agestam discloses the desired group being formed by at least one public group see Fig. 2 item 92.
40. Regarding Claim 53, Agestam disclose the desired group being a combination of private and public group see Fig. 2 item CUG 4, 92.
41. Regarding Claim 54, Agestam discloses the designating group types private, public see Fig. 1 item CUG 10, 91, 92, 41,43; assigning private group type see Fig. 1 item CUG 10; assigning a public group type see Fig. 1 item 91-92, 41, 43; a third group with attributes of a public group type see Fig. 2 dashed lines representing the group formed.
42. Regarding Claim 55, Agestam discloses the first owners being the same as second owners see Fig. 2 item 43, 52 & Fig. 3.

***Conclusion***

43. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

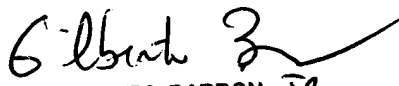
44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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45. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

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2/8/2006

  
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